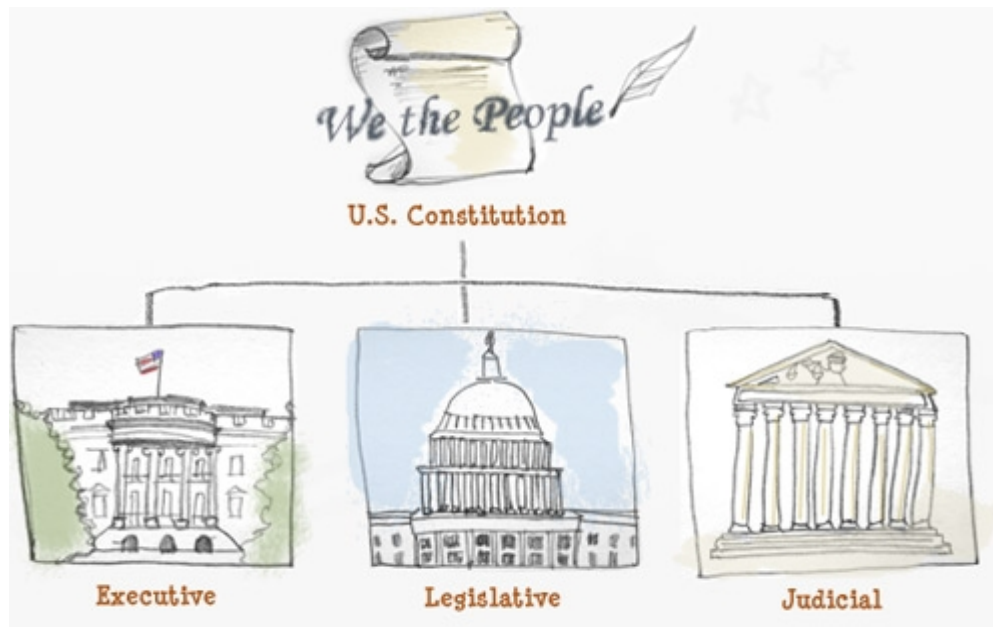


US History & Government

Three Branches of Government



Name _____ **Per.** _____

Teacher _____

Congressional Leadership – 112th Congress

Directions: Use Internet resources to complete the following Congressional Leadership charts. The following websites are good places to start. For the HOUSE of REPRESENTATIVES: www.house.gov For the SENATE www.senate.gov

House of Representatives

<i>Title</i>	<i>Leader</i>	<i>Duties</i>
Speaker of the House		
Majority Leader		
Minority Leader		
Majority Whip		
Minority Whip		

Congressional Leadership 112th Congress

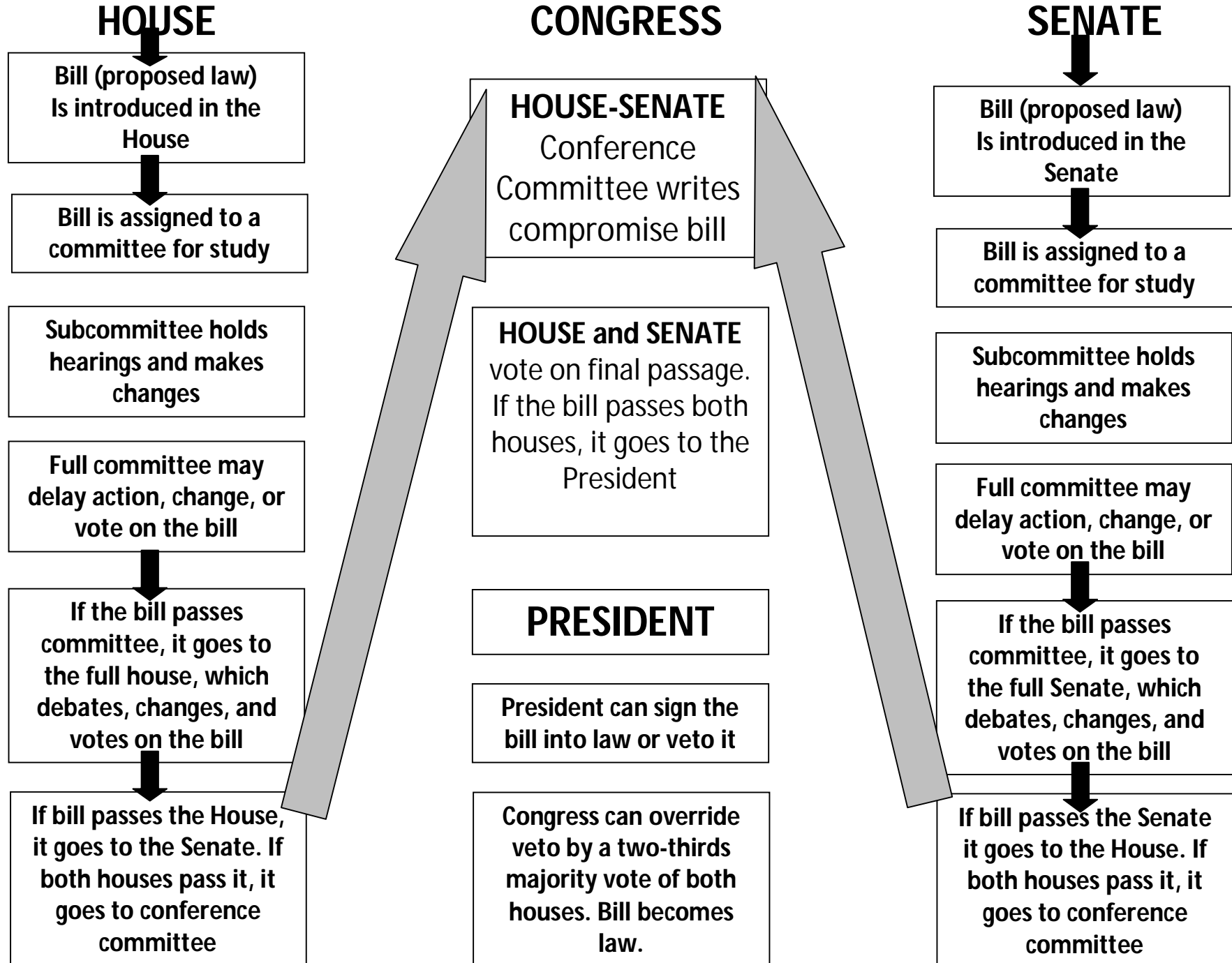
US Senate

<i>Title</i>	<i>Leader</i>	<i>Duties</i>
President of Senate		
Senate pro Tempore		
Majority Leader		
Minority Leader		
Majority Whip		
Minority Whip		

House & Senate Background Information 2009

	House of Representatives	Senate
# of Representatives	_____	_____
Representation	Based on _____, adjusted after every census. Currently 1:650,000	_____, 2 Senators from each state
Special Powers	_____ President; propose _____	_____ impeached President; approve _____ _____; ratify _____
Presiding Officer	Speaker of the House: _____	President of the Senate: _____ President ____: Daniel Inouye
Term	_____; entire House up for re- election every two years	_____; 1/3 of Senate up for re-election every two years
Salary	\$_____ Speaker: \$_____ Majority & Minority Leaders: \$193,400	\$174,000 Majority & Minority Leaders: \$_____
Constitutional Requirements	____ years old; citizen for 7 years	____ years old; citizen for 9 years

How a Bill Becomes Law



How a Bill Becomes Law

Questions

A bill (a proposed law) can be introduced in either house of Congress. (Exception: Tax bills must begin in the House.) A bill is then sent to an appropriate committee, which may **table** (delay action on) it, **amend** (change) it, or vote on it. If the committee passes the bill, it goes to that house of Congress to be voted on by all members. If the bill passes by a majority vote, it then is introduced in the other house. If that house passes the bill, it goes to a conference committee to iron out any differences. After that, the bill then goes to the President, who can **sign** (approve) or **veto** (reject) the bill. If the President vetoes it, it still can become law if both the House and Senate vote to override the veto by a two-thirds majority of voting members.

QUESTIONS

Read the description above and study the diagram on the facing page. Then write the answer to each question on the line provided.

1. Bills can be introduced in either house of Congress, with one exception. What is the exception?

2. When a **bill** (proposed law) reaches a full committee in the House or Senate, what can the committee do with it? _____

3. Can a committee prevent a bill from being considered by the full House or Senate? _____
4. What is the role of a subcommittee in considering a bill? _____

5. Suppose that a bill is first introduced in the House. If it passes the House, what happens to it next?

6. If the Senate makes changes to a bill passed by the House, and passes the changed bill, what is the next step? _____
7. Must a compromise bill be accepted by both houses of Congress? _____
8. If both houses pass a compromise bill, what happens next? _____

9. What role does the President play in making a bill a law? _____

10. If the President rejects a bill, what can Congress do? _____

- a. Chief Executive – In this role, the President is acting as the _____ of the government
- b. Chief Diplomat – In this role, the President is negotiating on behalf of the US with _____
- c. Chief of State – The President is the _____ head of the US.
- d. Commander-in-Chief of the Armed Forces – The President is the civilian head of the _____.
- e. Chief Legislator – The President recommends _____ to Congress.
- f. Chief of the Party – The President is the head of his political party

Executive Branch Homework

For the Executive Branch our homework assignment will be a little different. For each of the Executive Branch **topics**, you are to complete the specific assigned activity.

Topic: Roles of the President

Specific Definition: Name 3 roles that the President assumes as President of the U.S. & give a recent example of how the President has recently demonstrated this action.

Role # 1- _____

Role # 2- _____

Role # 3- _____

Article II: The Executive Branch

Use the copy of Article II (textbook pages 157-160) of the *Constitution* and your knowledge of government to answer the following questions.

1. What are the Presidents responsibilities?
2. How is the number of electors in a state determined?
 - a. If New York has 29 members in the House of Representatives, how many electoral votes do we have? _____
3. What replaced Section 1, Clause 3 and why was it replaced?
4. Who decided the date of Election Day?
5. List 6 specific presidential powers:
 - a.
 - b.
 - c.
 - d.
 - e.
 - f.
6. What is the purpose of the State of the Union address?
7. Who besides the president may be impeached?

Electoral College System

Established in Article II Sec 1

- Unanimously chose George Washington as President
- After Washington's retirement, 2 national political parties developed
 - Democratic-Republicans
 - Federalists
- Electors are selected by the state's party & are *supposed* to vote for the candidate they are slated for; there is no legal requirement in many states that obligate electors to do so. (unwritten constitution)
- Winner Takes All: If a candidate wins a state's popular vote, that candidate wins all of the states electoral vote
- 4 Times in American History have candidates who lost the popular vote still became president
 - 1824: JQ Adams
 - 1876 Rutherford B. Hayes
 - 1888 Benjamin Harrison
 - 2000 George W. Bush
- In the event of a tie of electoral votes, the HOR votes, with each state having 1 vote

The Electoral Process

The number of Electors in each state is equal to:

Each state has a minimum number of:

The total number of Electors in the country is:

To win, Presidential and Vice-Presidential candidates need:

To what does the term "winner take all" refer?

PROS & CONS OF ELECTORAL COLLEGE

<i>Cons</i>	<i>Pros</i>
<ul style="list-style-type: none"> ➤ Electoral College system makes the election process a complicated system. ➤ The original intent of the Founding Fathers is no longer relevant. They didn't anticipate national political parties or the advanced communications network that brings candidates directly to the electorate. ➤ It has the potential of frustrating the popular will of the people. ➤ There is a possibility of "faithless electors" who defect from the candidate to whom they are pledged. ➤ It is undemocratic when the election is thrown into the House of Representatives. ➤ In all but 2 states (Maine & Nebraska) "Winner takes all" is the rule, which leads to voter apathy. ➤ Candidates neglect "safe states" in the election campaign. ➤ It is an extra expense to the American people which theoretically delays election results. 	<ul style="list-style-type: none"> ➤ Would any other system be better? ➤ The Electoral College system has worked. ➤ This system maintains a federal system ➤ It fosters a 2-party system by thwarting splinter parties which could easily throw an election into the House. ➤ It democratically supports population centers by giving urban areas more electoral power. This is where most of the voters are. ➤ It eliminates the possibility of electing a minority president who would represent the views of a minority of Americans. ➤ If presidents were elected by popular vote, they would wage campaigns and advertise all across the nation, rather than concentrating in a handful of battleground states.

The Executive Cabinet

_____ - Group of formal advisors to the President.

Article Two of the Constitution provides that the President can require "the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices." The Constitution did not then establish the names (or list or limit the number) of Cabinet departments; those details were left to the Congress to determine.

How does one get on a Presidential Cabinet?

_____ → _____

What do members of the Cabinet do?

1. Provide advice to the President.
2. Can vote to have the President removed if they feel he is unable to perform his duties (_____).
3. Get in line to become President (Presidential Succession Act of _____).

Cabinet Quilt

Read the following historical examples of Presidential Cabinets. Choose four of the five and draw a symbol or image that represents both the name of the Cabinet and its impact. Do not draw your symbols in a predictable manner and do not use any words or phrases. When you are finished bring your drawings up to me and you will be matched with another student who will attempt to guess what cabinets are represented by your symbols.

Cabinet #1

Washington's Cabinet

One of the precedents set by George Washington was to stretch the regulations of the Constitution into creating a formal cabinet. His cabinet was composed of only four people; Secretary of State, Thomas Jefferson, Secretary of the Treasury, Alexander Hamilton, Secretary of War, Henry Knox and Attorney General, Edmund Randolph. Although small in number, this group was great in impact. The ideological differences between Thomas Jefferson and Alexander Hamilton would lead to the creation of the nation's first two political parties; the Federalists (Hamilton) and the Democrat-Republicans (Jefferson). **Impact of this cabinet: Set a precedent of having a Presidential Cabinet and created the first two political parties.**

Cabinet #2

The Kitchen Cabinet

When Andrew Jackson was elected President in 1820, he represented widespread change in America (he was kind of like 50'cent). Jackson was elected on the platform of representing the common American. This was referred to as Jacksonian Democracy. When Jackson came into office he began to reward his followers through a process known as the "spoils system". This was where he would provide jobs or government contracts to those who had supported him ("to the victor go the spoils"). This patronage would reach its high point in his unofficial cabinet, called the Kitchen Cabinet. Because he needed Congressional approval for his official cabinet, Jackson went around the system and created an informal cabinet made up of his friends and supporters. Although he kept his official cabinet, it was the Kitchen Cabinet that he went to for advice and feedback. **Impact of this cabinet: Legitimized the practice of rewarding supporters with government favors (spoils system).**

Cabinet #3

The Radical Republican Cabinet

When Abraham Lincoln was assassinated in 1865, his Vice-president, Andrew Johnson came into office. Andrew Johnson was not like Lincoln. He was a former slave owner from Tennessee and he was the only Southern Democrat who did not leave the Union to join the Confederacy. Lincoln made him Vice-president only to satisfy moderates within the Republican Party. When Johnson became President it was immediately apparent that Lincoln's Cabinet would not work with him. Lincoln's Cabinet was made up of politicians who called themselves "Radical Republicans" and they opposed every action Johnson took. They would undermine his actions by leaking important information to the press and the opposition. When Johnson tried to have one member of the Cabinet fired (Secretary of War, Henry Stanton), the Cabinet had impeachment charges drawn up against

President Johnson. Johnson went on trial for impeachment and was found not guilty by a margin of one vote. Although he served out the rest of his term, he was considered a “lame-duck” President because he had lost the support of his cabinet, his party and his country. **Impact of this Cabinet: Proved that if your cabinet does not support you will be an ineffective President.**

Cabinet #4

The Ohio Gang

When Ohio Senator, Warren G. Harding was elected President in 1920, he followed the example set by Jackson and created a cabinet filled with his supporters and friends from Ohio. They became known as the “Ohio Gang.” The Ohio Gang became involved with several scandals, the most notorious of which was the Tea Pot Dome Scandal. Secretary of the Interior, Albert Fall was convicted of selling government oil reserves in exchange for \$404,000 in various gifts. This was one of several scandals of the Ohio Gang that marred and embarrassed the Harding Presidency. Harding would die in office, some believe due to the added stress that the Ohio Gang put on him. **Impact of this Cabinet: Established the idea that a President could be associated with the actions of his cabinet, even if he had no knowledge of their actions.**

Cabinet #5

The Black Cabinet

During the administration of Franklin Delano Roosevelt (1933-1945), a new Executive Department was established. The Office of Negro Affairs, which became known as the Black Cabinet, was an informal group of African- American political advisors to the President. Inspired by his wife Eleanor Roosevelt, this group attempted to secure civil rights for African-Americans through the policies of the New Deal. Although these attempts were minimal, this group paved the way for the Civil Rights movement of the 1950s. **Impact of this Cabinet: This marked the first time that African- Americans were given an official role in advising the President.**

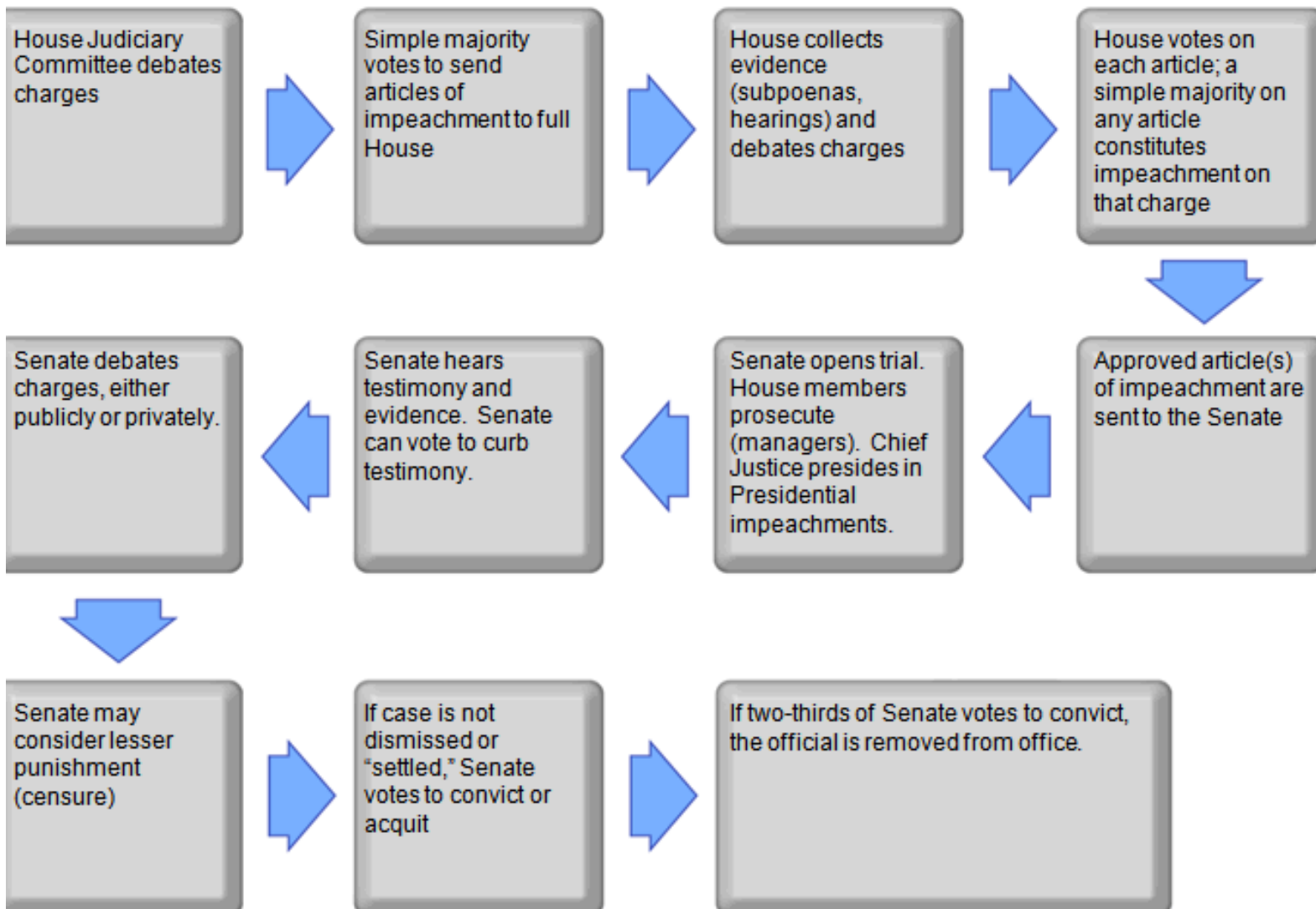
THINGS TO KNOW

- 1. Explain the term Executive Cabinet.**
- 2. What is the appointment process for a cabinet member?**
- 3. What roles do cabinet members play in our government?**

Finish this metaphor: The Executive Cabinet is like a ____ because . . .

(Halloween Party, Holiday Dinner, St. Patrick’s Day Parade, Other holiday celebration)

The Impeachment Process



Presidents Who Faced Impeachment

<i>A. Johnson</i>	<i>R. Nixon</i>	<i>W. Clinton</i>
<ul style="list-style-type: none"> ✓ <i>After the Civil War & Lincoln's assassination, A. Johnson took office</i> ✓ <i>Johnson disagreed w/Congress on how the South should be rebuilt</i> ✓ <i>Johnson tried to fire Sec't of War Edwin Stanton</i> ✓ <i>This challenged the Tenure of Office Act, a law passed by Congress which demanded that the Senate approve the firing of officials</i> ✓ <i>Johnson was tried in the Senate for "high crimes & misdemeanors"</i> ✓ <i>After the votes were counted, Johnson was not removed by only 1 vote!</i> 	<ul style="list-style-type: none"> ✓ <i>In 1972, 4 men were arrested for breaking into the Democratic headquarters</i> ✓ <i>They were linked to CREP, funded & controlled by Nixon</i> ✓ <i>Pres. Nixon denied any connection but it was becoming clear he was involved</i> ✓ <i>He had tape recorded conversations in the Oval Office & refused to turn them over</i> ✓ <i>When the SC ordered that he do so, major portions were deleted</i> ✓ <i>The House was ready to impeach the President</i> ✓ <i>He resigned from office</i> 	<ul style="list-style-type: none"> ✓ <i>In 1998, Clinton was being investigated for a relationship between himself & a young White House intern.</i> ✓ <i>Earlier, he had been questioned about sexual harassment charges brought on by an Arkansas woman</i> ✓ <i>Under oath, he denied having sexual relations w/the intern & repeated the denial to a grand jury</i> ✓ <i>Afterwards, he admitted to having an "inappropriate" relationship</i> ✓ <i>The House voted to impeach Clinton on charges of obstruction of justice & perjury</i> ✓ <i>The Senate voted to acquit Clinton on both charges</i>

Impeachment

Background: The process of impeachment is the legal removal of a government official from office. The Constitution specifies this process in Article II, Section 4, where it reads:

"The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

The actual procedure for enacting impeachment and removing someone from office is more specific.

Instructions:

- Use the Article II, Section 4 worksheet and your teacher's directions to fill in the six steps of impeachment blocked out on the next page. You are to paraphrase or summarize each of the steps within the appropriate box.
- When you have finished the flow chart, read the President who faced impeachment.
- Shade in each bar on the **Impeachment Flow Chart** below to indicate how far each impeachment progressed.

	Johnson	Nixon	Clinton
1. House Judiciary Committee debates the charges			
2. Judiciary Committee votes to send or not send Articles of Impeachment to full House of Reps.			
3. House collects evidence on each charge & votes on each article. Majority vote needed to continue			
4. Articles of Impeachment are sent to the Senate for to hear debate and testimony. Chief Justice presides, House members prosecute			
5. Senate debates charges and considers other punishment (censure),			

Things to know:

1. What is the process of impeachment?
2. Where is Presidential impeachment described in the Constitution?
3. Can a president be impeached, but not removed from office?
4. What are the steps of impeachment?
5. What presidents have been impeached?
6. How many were actually removed from office?
7. Why do you think the process of impeaching and removing a president is so difficult?
8. Do you think President Clinton should have been removed from office?

The Judicial Branch

Article III.

Section. 1: Courts, Terms of Office.

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2. Jurisdiction

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;-- between a State and Citizens of another State,--between Citizens of different States,--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3 Treason

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Constitution Questions

1. What court does the Constitution specifically give power to?
2. What types of cases do federal courts hear?
3. What is the difference between original and appellate jurisdiction?
4. What kind of trial does not have access to a jury trial? Why do you think such trials are not jury trials?
5. Where must jury trials be held?
6. What must a person do to commit treason?
7. How does Congress have a "check" on the Supreme Court concerning treason trials?
8. Does the Constitution make specific or general requirements regarding the judicial branch? Why do you think it was written that way?

Judicial Branch

- ▶ Authority from Article ____ of the Constitution but the _____ & _____ of the national judicial system was left up to Congress
- ▶ Main purpose: to interpret the _____ and administer _____
- ▶ Consists of a system of federal courts, including the:
 - ☐ _____
 - ☐ _____
 - ☐ _____
- ▶ _____ & _____ have given the Supreme Court the power to decide whether state and federal laws are _____
- ▶ The Supreme Court is comprised of ____ justices with ____ justice serving as Chief Justice
- ▶ Court Justices receive a salary of _____ while the Chief Justice receives a salary of _____
- ▶ 6 Justices make a quorum & a majority is necessary for a _____
- ▶ Justices are appointed by the _____/approved by the Senate. Approximately ____ in ____ presidential selections to the Court have been rejected by the Senate.

Marbury v. Madison

Answer the following questions based on the class reading and discussion of the Supreme Court case of Marbury v Madison.

1. What actions did President Adams take just before he left office?

2. Who was to deliver this commission?
3. Why didn't Madison deliver these commissions?
4. Did Jefferson finally allow the judges to take their jobs?
5. What did Congress pass in an attempt to give the Supreme Court the power to appoint Marbury?
6. What dilemma did the Court face with the Marbury case?
7. How did the Court address the issue and solve the dilemma at the same time?
8. What impact did the Marbury case have on the power and authority of the Judicial Branch?
9. How is this case an example of *checks and balances*?

Video Guide: **Zobel v. Williams**

1. When was the Zobel case argued?
2. Define Separation of Powers.
3. Define Checks & Balances.
4. The Judicial Branch is composed of the Supreme, _____ and state courts. The Supreme Court is composed of a Chief Justice and _____ Associate Justices.
5. Alaska Bio:
Size:

Population:

Year granted statehood:

What brings in over \$4 billion in revenue to Alaska?
6. In 1976, Alaska established a permanent fund to ensure there would be revenue to run their expanding government. How did this plan change?
7. The Zobel's felt that the distribution of the permanent fund revenue based on length of citizenship was a violation of the 14th Amendment. Did the Superior Court of Alaska 3rd District agree with them? What was the basis for their decision?
8. What did the Alaska Supreme Court rule when Williams appealed the case to them?
9. What parts of the 14th Amendment did the Supreme Court want to know applied to the argument presented by Zobel?

Amendment XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

10. For whom did the Supreme Court rule? _____

Opinion:

- a. In your opinion, were the Zobel's morally right in this case? Why or why not?
- b. As far as the Supreme Court is concerned, does it matter if they **were** morally right?
- c. If not morality, with what should the Supreme Court be concerned?

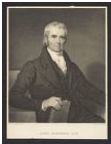



Which Supreme Court had the Greatest Impact on America?


Background: Judicial Review may be thought of as the "atomic bomb" of government powers. Once the Supreme Court passes a decision, it is nearly impossible to change it (only through another Supreme Court ruling or a Constitutional Amendment). In many examples, the Chief Justice of the Supreme Court has guided the court to make rulings that have a consistent theme.

How do I get on the Supreme Court? _____ → _____

The Chief Justice of the court is like its leader. Although the Chief Justice has no power to force the other justices, he or she does provide the court with leadership, which often influences its rulings.

Instructions: In the following exercise you will examine five famous Supreme Courts. For each you will make note of their title, impact, and decisions that implemented the impact. We will then engage in an exercise ranking the courts in terms of their influence.

Court Title	Impact	Decisions
Marshall Court (1801-1835) 		<ul style="list-style-type: none"> • McCulloch v. Maryland (1818)- ruled that a state government could not tax the national government. • Dartmouth v. New Hampshire (1819)- ruled that state governments could not interfere with private contracts. • Gibbons v. Ogden (1824)- ruled that rivers were interstate commerce and therefore under the control of Congress.
Taney Court (1836-1864) 		<ul style="list-style-type: none"> • Prigg v. Pennsylvania (1842)- ruled that “slave catchers” could not be prosecuted by state governments for kidnapping. • Dred Scott v. Sandford (1857)- ruled that slaves had to be returned to their owners even if they ran away into “free states”
Warren Court (1953-1969) 		<ul style="list-style-type: none"> • Brown v. Board of Ed (1954)- ruled that schools could not segregate on the basis of race. • Mapp v. Ohio (1961)- ruled that the police could not use evidence that they had obtained illegally (Exclusionary Rule) • Engel v. Vitale (1962)- ruled that schools could not start the school day with a voluntary, non-denominational prayer. • Gideon v. Wainwright (1963)- ruled that states must provide a lawyer if a person could not afford one. • Miranda v. Arizona (1964)- ruled the police must inform a person of their rights when arrested. • Escobedo v. Illinois (1964)- ruled that the police could not continue questioning an individual after they had asked for a lawyer (“lawyering-up”)
Burger Court (1969-1986) 		<ul style="list-style-type: none"> • Roe v. Wade (1972)- ruled that states could only completely prohibit abortions in the third trimester of a pregnancy. • Furman v. Texas (1972)- ruled that capital punishment must be fairly and equally administered. • Bakke v. California (1978)- ruled that universities could not reserve seats for minorities but also ruled that race could be a factor when deciding admission.

Rehnquist Court (1986-2005) 	<ul style="list-style-type: none"> • Planned Parenthood v. Casey (1992)- states could create laws that make abortions more difficult to obtain. • US v. Lopez (1995)- Congress could not regulate institutions in multiple states unless they were clearly engaged in commerce. • Bush v. Gore (2000)- the state legislature has the final say in determining when electoral votes have been counted.
--	---

1. Rank the courts in terms of which had the most positive impact on America.
2. Once finished, walk to the middle of the room and find a partner.
3. You and your partner are to compare lists and come to an agreement as to the ranking.
4. Once you have an agreement, find another pair, compare lists and come to another agreement as to the ranking.
5. Repeat with another group of four.
6. Repeat until the entire class agrees on the final list.

Courts	Your ranking	With a partner	Group of 4	Group of 8	Group of 16	<i>Class</i>
Marshall						
Taney						
Warren						
Burger						
Rehnquist						

Things to know:

1. How does an individual get on the Supreme Court?
2. Whose last name gets associated as the title of a Supreme Court?
3. Why can Judicial Review be called the “atomic bomb” of governmental powers?
4. Which courts were easy to rank and why? Which were difficult to rank and why?
5. Why is nominating a Chief Justice one of the greatest legacies for a US president?